### MINUTES Audio Recording Not Available PLANNING COMMISSION MEETING April 5, 2012 LAKEWOOD CITY HALL 7:00 P.M. AUDITORIUM

Meeting called to order at 7:00 P.M.

Roll Call

MEMBERS PRESENT

OTHERS PRESENT

Hanna Belsito Mary Cierebiej, Vice-Chair Robert Greytak Patrick Metzger Mark Stockman, Chair Dru Siley, Commission Secretary, Dir. of P&D Bryce Sylvester, Planner Jennifer Mladek, Assistant Law Director

A motion was made by Ms. Cierebiej, seconded by Mr. Metzger, to **EXCUSE** the absences of Ms. Ruth Gillett and Ms. Tamara Karel. All of the members voting yea, the motion passed.

### Approval of the April 5, 2012 Meeting Minutes

A motion was made by Ms. Cierebiej, seconded by Mr. Metzger, to **APPROVE** the minutes of the April 5, 2012 meeting. Ms. Belsito, Ms. Cierebiej, Mr. Greytak, Mr. Metzger voting yea, and Mr. Stockman voting to abstain, the motion passed.

### Opening Remarks

Mr. Stockman waived the reading of the Opening Remarks.

### NEW BUSINESS

4. Docket 05-06-12

14013 Detroit Avenue GetGo

Pat Avolio, Giant Eagle, Inc. and applicant, requests Conditional Use approval of an Outdoor/Seasonal Dining Facility, pursuant to Sections 1129.03 – Accessory Uses, 1161.03(t) – Supplemental Regulations for Specific Uses, and 1173.02 – Conditional Use Permit. This property is located in a C3, Commercial and General Business district and an R1H, Single Family and High Density Residential district. (Page 2)

Pat Avolio was present to explain the request. The project site plan was approved at the Architectural Board of Review on April 12, 2012, and a variance was approved by the Board of Zoning Appeals on April 19, 2102. Utilizing a PowerPoint presentation, he described the

current condition of the property, the proposed store and seating area, landscaping and buffering, the establishment to the north of Detroit with outdoor seating, the setback and fence and pier system. He pointed to the five octagonal areas which represented outdoor seating for twenty (20) patrons, landscaped lawn, and water retention area. There would be no service of food and beverages to the outdoor seating; patrons would purchase inside the store and take the product(s) themselves to the tables. The outdoor consumption of alcoholic beverages on the premise would be strictly prohibited. The umbrellas would be burgundy red in color, there would be four (4) seats per table, the ADA accessible area, the trash receptacle, the tables and seats would be sparkle silver in color.

Mr. Metzger asked about the ratio of indoor to outdoor seating; 25% of indoor seating per the ordinance. Mr. Siley explained the ratio had been done because of parking demands, and the proposal before the Commission exceeded the parking minimum. Mr. Metzger noted the RTA shelter, and Mr. Avolio explained it would be moved a bit west from the current location; the sidewalks would be widened as per approved by ABR.

There were no comments or guestions from the public.

A motion was made by Mr. Metzger, seconded by Ms. Cierebiej, to **GRANT** the application as submitted. All of the members voting yea, the motion passed.

### Add-on:

6. Docket 05-08-10

15605-15607 1/2 Detroit Avenue Merry Arts Pub + Grille

John D. Granzier, Merry Arts Pub + Griile Inc., business owner and applicant, request Conditional Use approval of an Outdoor/Seasonal Dining Facility, pursuant to Sections 1129.13 – Supplemental Regulations for Outdoor/Seasonal Dining Facility, 1161.03(t) – Supplemental Regulations for Specific Uses, and 1173.02 – Conditional Use Permit, and requests a variance for extended hours for the use of the outdoor dining. This property is located in a C2, Commercial and Retail district. (Page 48)

John D. Granzier was present to explain the request. Referring to the PowerPoint presentation, he showed how and where the proposed patio would be. The large dumpster would be exchanged with a smaller one and more frequent refuse dumping would occur. The grease trap would be removed; the oil would be recycled by placing into smaller containers and retrieved more often. A stamped dark grey concrete would serve as the floor of the patio, dark red brick walls would be around the perimeter of the patio (walls to the west and south would be seven feet (7') tall and the east wall would be five feet (5') tall, and a trellis would overhang a bit to provide shade from the intense sun, the tables and chairs would be constructed from wrought iron, sectional seating would be in the corners, and there would be a gas fueled fireplace instead of a wood burning one. Anticipating noise issues emanating from the patio, that was why the walls of the patio would be brick, and there would be landscaping, both of which should buffer the sound. Decorative wrought iron on the walls would serve for aesthetic purposes.

Mr. Greytak asked if parking spaces were being displaced. Mr. Granzier replied no public spaces were being omitted. The three spaces against the building slated for displacement belonged to the building owner, and two of them were used by Merry Arts employees. The stairway was used as a fire exit and would be retained. The main entrance to the building was on the front of the building. To the west of the proposed alcove area were air conditioning units that would be moved to the roof. He said they were asking the patio to remain open until midnight as the kitchen was open until 2:00 AM.

Nick Hoag, 1421 Westwood Avenue, was concerned about parking and the late hours of the patio. Mr. Granzier said he wanted to ask CVS if they could use that parking lot. He said he communicated with the neighborhood block watch and posted signs asking patrons to be cognizant of the neighbors.

Mr. Siley stated there were two requests; one for outdoor dining and one for extended hours. The burden of managing the conditional use requests was upon the business owner. Conditional Use and variance were subject to the Planning Commission's review if found the owner was not in compliance and created a nuisance. He also explained the process of granting extended hours and any consequences that might occur if not in compliance and the creation of a nuisance.

A motion was made by Mr. Metzger, seconded by Ms. Belsito to **GRANT** the Conditional Use of an Outdoor/Seasonal Dining Facility and to **DEFER** the request of a variance for extended hours for the use of outdoor dining for one (1) year. All of the members voting yea, the motion passed.

### 5. Docket 05-07-10 15422 Detroit Avenue First Church of Christ, Scientist

Lakewood Heritage Advisory Board, advisory to the Planning Commission, presents an application and recommendation to designate the First Church of Christ, Scientist (PP# 312-14-101) as eligible to become an historic property (HP), pursuant to Chapter 1134. (Page 31)

Mr. Siley stated a designation was a two-step process with this one being for eligibility only.

lan Andrews explained LakewoodAlive's role and responsibility for strengthening and maintaining the historical integrity and viability of downtown Lakewood and LakewoodAlive's process. He then spoke of the architect, the building's architectural features, and the City's ordinance. Mr. Andrews said the owner of the building, Eric Choi, was objecting to the designation as he was in the process of selling the property and felt it was a hindrance. An email from Mr. Choi's legal representative, A. James Artiano, Artiano & Associates, stating the objection was received by Mr. Siley and was to be put into record of the meeting. The designation would be for the exterior only. Mr. Andrews said there were ten (10) criteria that were needed for designation and said two of them were not. One was the location and/or site of an historic event, and the other was the yielding the understanding of history or prehistory.

There were no comments or questions from the public. Mr. Siley mentioned the receipt of the e-mail from Mr. Artiano and Mr. Siley's intent of further communication with Mr. Artiano that any designation should not be any hindrance to any sale. He concluded the City endorsed the designation.

A motion was made by Mr. Metzger, seconded by Ms. Cierebiej, to **GRANT** the recommendation as submitted. All of the members voting yea, the motion passed.

### 6. Adjourn

A motion was made by Ms. Cierebiej, seconded by Ms. Belsito, to **ADJOURN** the meeting at 7:38 P.M. All of the members voting yea, the motion passed.

Signature

Date

6-7-12





### Oath.

I, the undersigned, hereby agree that the testimony I give at this proceeding will be the truth, the whole truth and nothing but the truth:

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Prepared by: The City of Lakewood	od Law Department, 12650 Detroit Ave., Lakewood, Ohio 44107
	FOR CITY USE ONLY  ABR/BBS/Sign   Citizens Advisory   Civil Service   Dangerous Dog   Nuisance Abatement Appeals   Planning   Zoning Appeals   Other:
Date of Proceeding: Thursday	1, May 3, 2012

### Siley, Dru

From: Jim Artiano <jartiano@artianolaw.com>

Sent: Thursday, May 03, 2012 2:29 PM

To: Siley, Dru

Cc: Eric Choi; Kirk Roessler; Brian Lenahan

Subject: 15422 Detroit Ave. Property/Docket 05-07-12

### Dear Dru:

Thank you for your call today. My office is counsel to California Phone, Inc., the owner of the above property.

Please accept this email as our initial objection to the process for designating the 15422 Detroit property as a Historical Property.

We are currently reviewing this matter with our client and further respond if this process proceeds to hearing on June 7, 2012.

Our client is attempting to sell the property to a local owner and we feel that such a designation at this time will inhibit a potential purchaser of the property.

While we appreciate the City and Lakewoodalive's position, we would request that any such an application be deferred until the building has been sold to a local owner.

I would also request that copies of all future notices or letters from the City be sent to my attention at the address below.

Thank you for your time and consideration of these requests.

### Jim Artiano

A. James Artiano Attorney at Law

Artiano & Associates A Professional Corporation 3828 Carson Street, Suite 102 Torrance, Ca. 90503 310-543-1240x107 310-543-9850 Fax jartiano@artlanolaw.com

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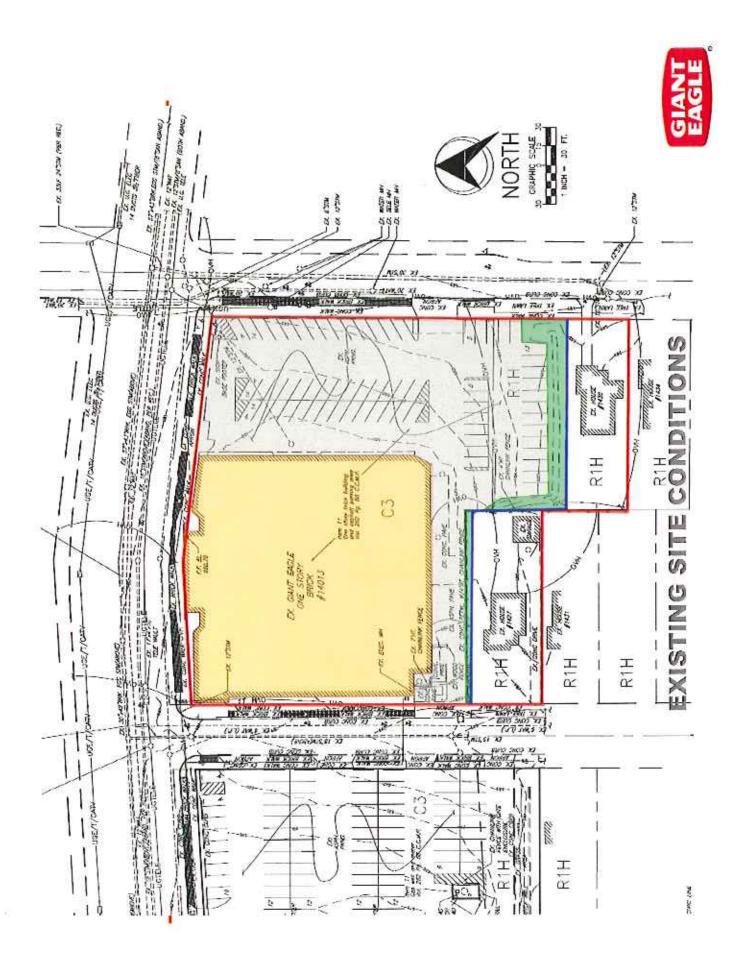
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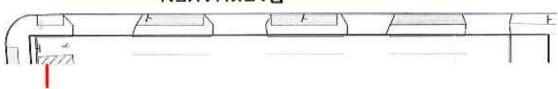
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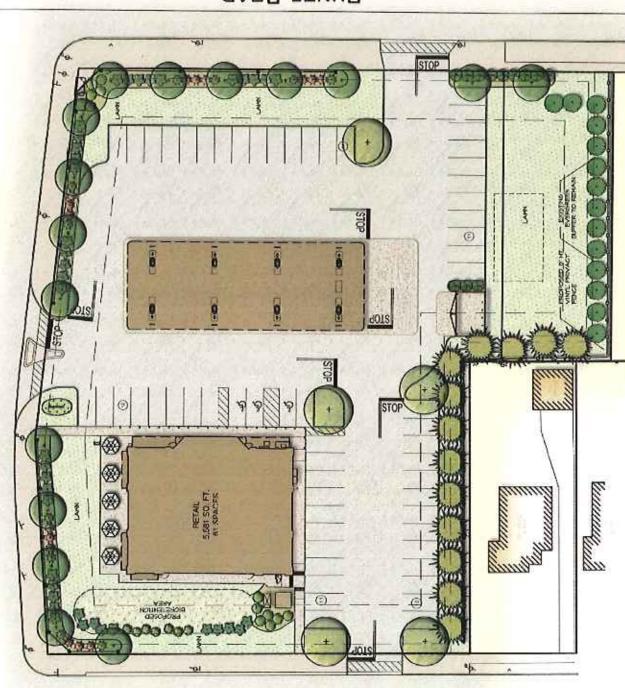
April 19, 2012



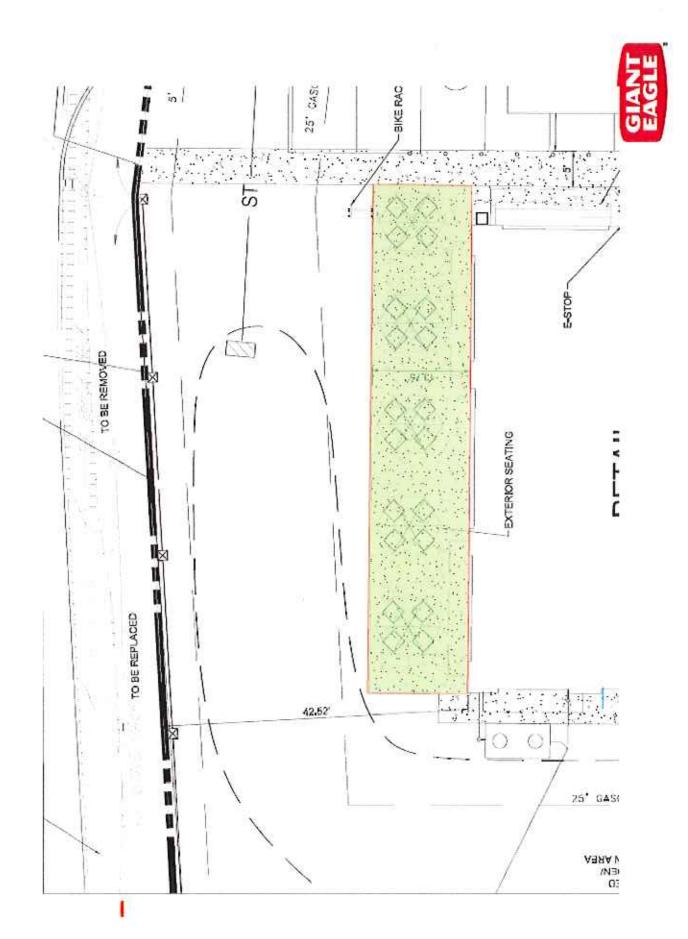




PARKHAVEN



**ОАОЯ ВТИИЯ** 







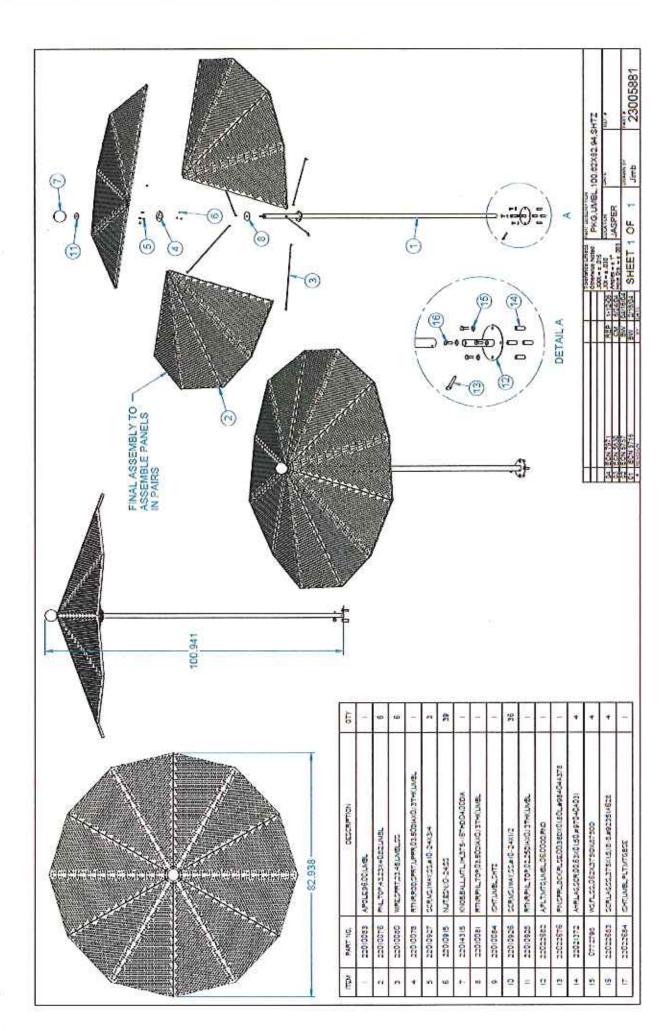
## VIEW FROM DETROIT AVENUE

PERSPECTIVE

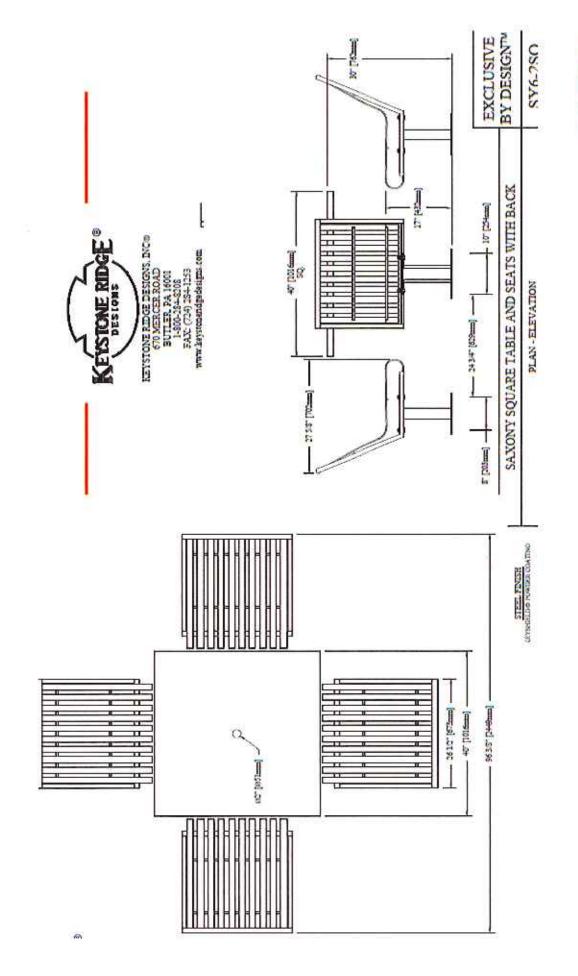


# PERSPECTIVE FROM BUNTS & DETROIT

PERSPECTIVE

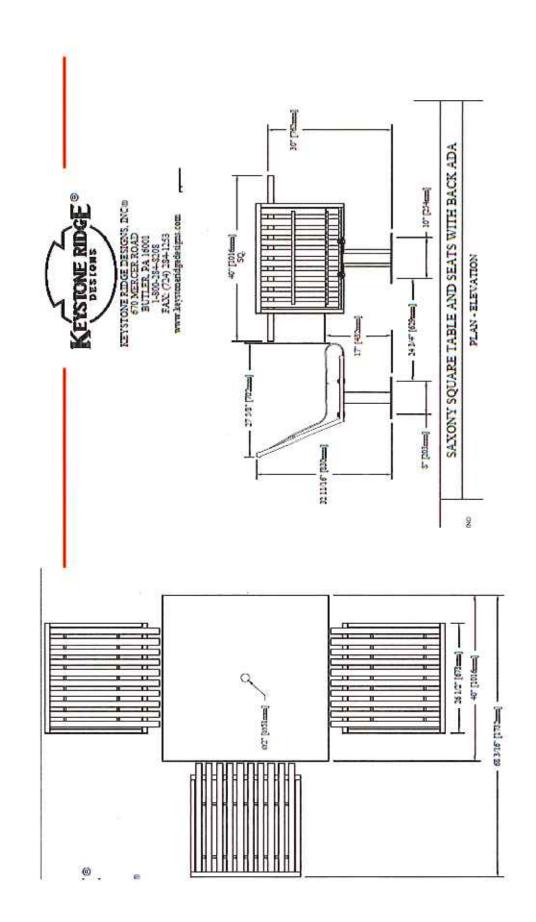












# Canmeleon" Aggregate and Recessed Panel Receptacles





9474BL

9475BL

9477BL

Ribs hold bag in place

Slip waste bag over base





Place lid over top



9470NC

Secured & hidden waste baq

### OUTDOOR TABLE COLOR

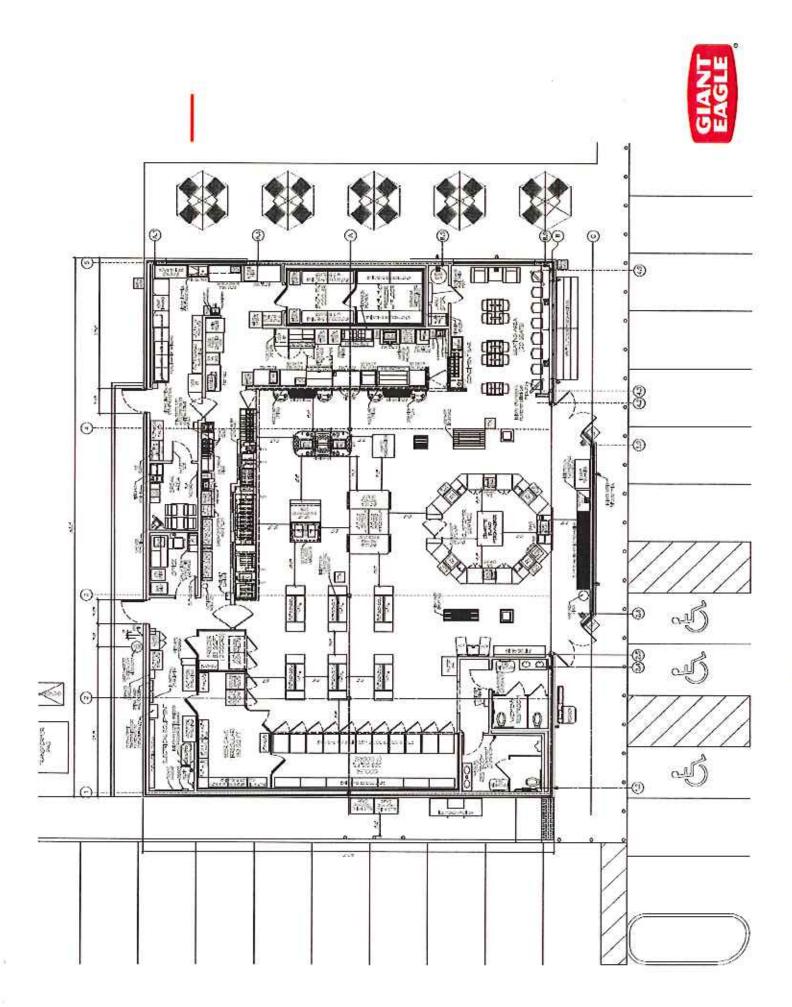
# 2012 Standard KEYSHIELD® Color Palette

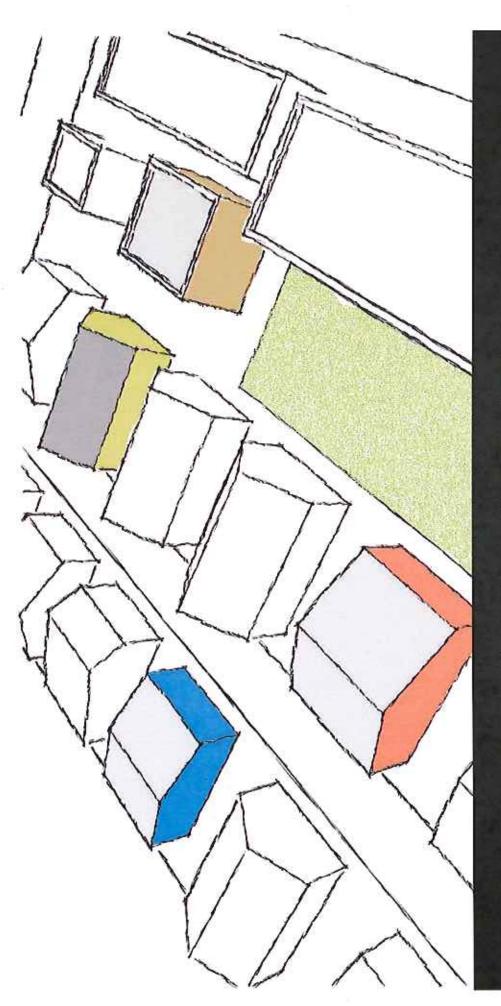


Colors may vary slightly due to printing processes. LEMONDROP yellow is available upon request for no added charge. An additional 160 custom colors and color matching are available for a surcharge. Colors and metal samples available upon request.

Table Color Palette: Sparkle Silver



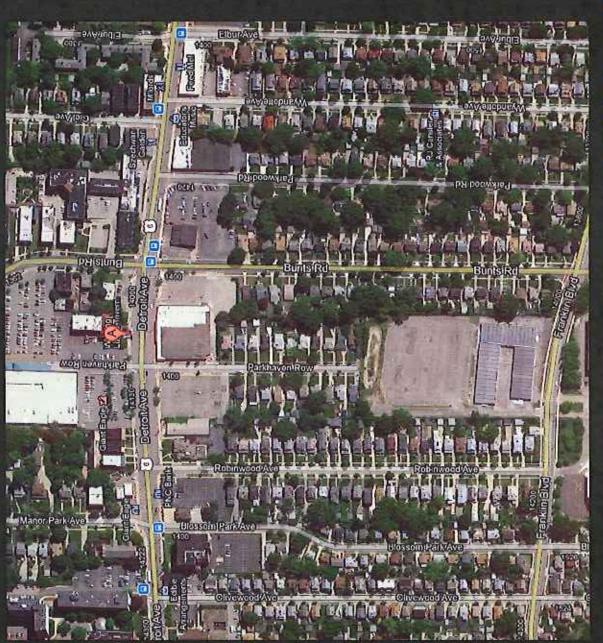


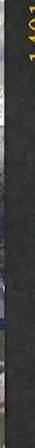


### Planning Commission

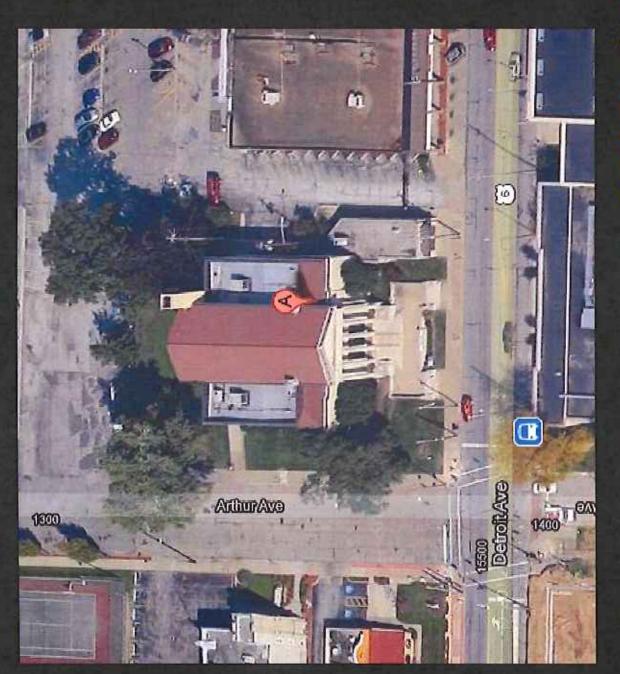
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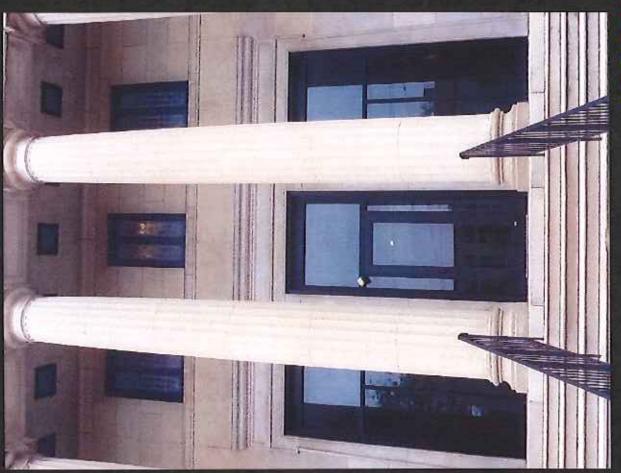








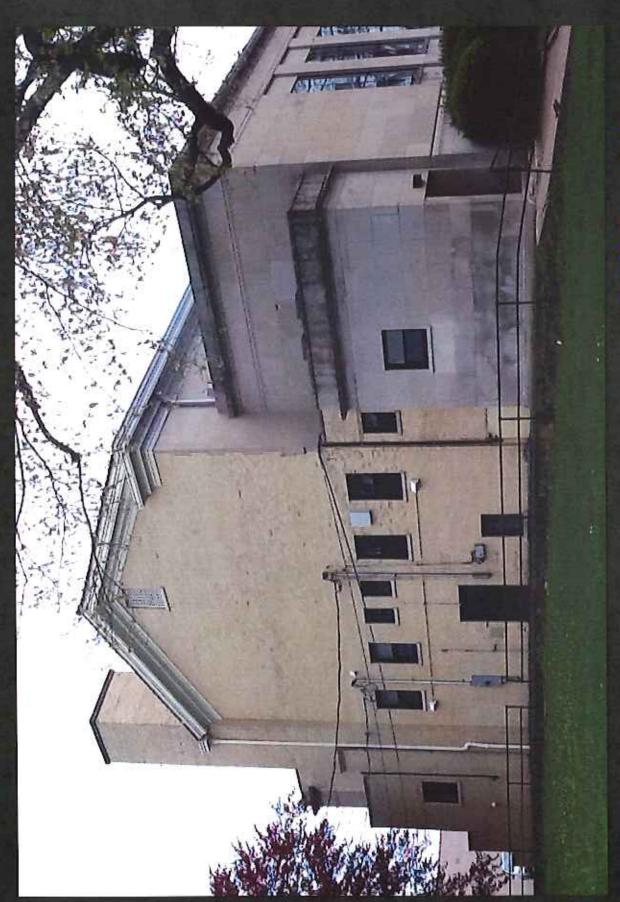




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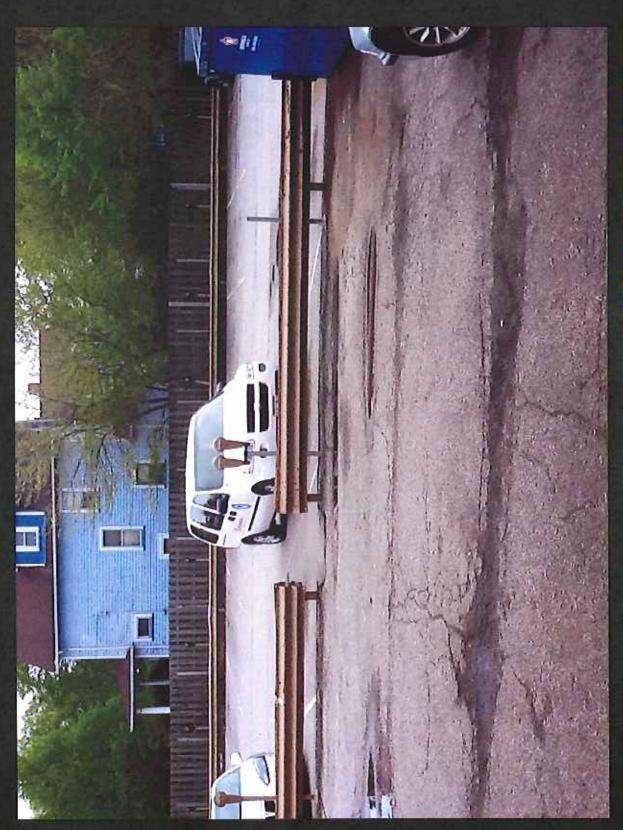










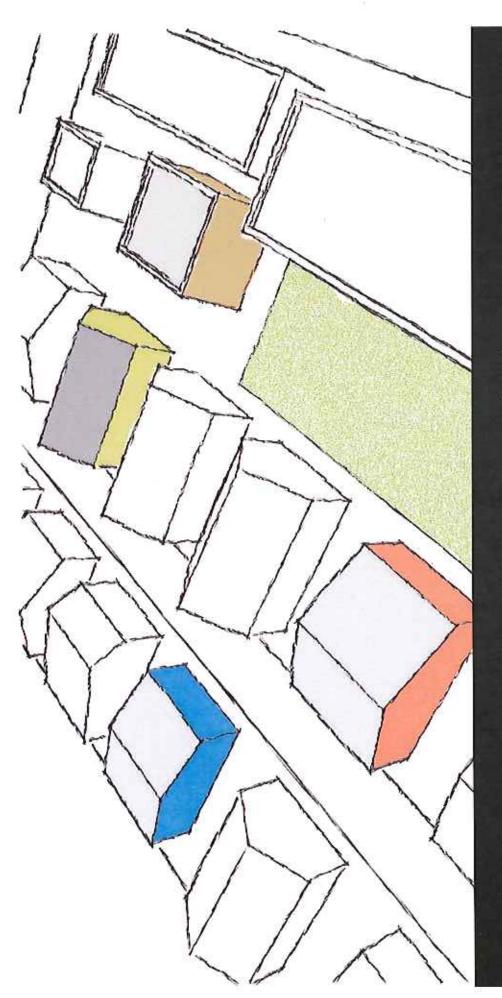




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